

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JOHN LUKE SHANNON,

Defendant.

No. 18-cr-809 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of Defendant John Luke Shannon's April 21, 2021 letter requesting that the Court adjourn his surrender date by an additional 30 days due to Shannon's medical complications. (Doc. No. 75.) The Court has granted numerous previous requests for adjournment in light of Shannon's health concerns. (*See, e.g.*, Doc Nos. 57, 59, 61, 63, 66, 68, 70, 72, 74.) In light of the representations by Shannon's counsel that he is experiencing new serious medical complications that prevent travel to his designated facility, IT IS HEREBY ORDERED THAT Shannon's surrender date, currently scheduled for April 26, 2021, is adjourned to Wednesday, May 26, 2021.

No further adjournments will be granted, however, without an examination and supporting documentation provided by an independent physician approved by the Court. Shannon's counsel shall submit a letter to the Court by Wednesday, May 12, 2021 providing an update regarding Shannon's medical conditions and whether Shannon expects to request another adjournment. If Shannon does expect to request another adjournment, that letter shall also propose an independent physician that will document the medical conditions that prevent Shannon from travelling to his designated facility and receiving medical treatment under the supervision of the Bureau of Prisons ("BOP").

In his April 21 letter, Shannon also requests that the Court recommend to the BOP that Shannon be designated to FMC Butner instead of his current designation to FCI Butner Low. (Doc. No. 75.) The Court may only *recommend* to the BOP that Shannon be designated to a particular facility. *See United States v. Pineyro*, 112 F.3d 43, 45 (2d Cir. 1997) (“While BOP may consider the recommendation of the sentencing judge in determining the place of confinement, the district judge’s views are not controlling.” (citing 18 U.S.C. § 3621(b)(4))). And the Court already “strongly recommend[ed]” that Shannon “be housed at the Federal Medical Center in Butner, North Carolina (satellite camp) so that his various medical needs . . . may be addressed.” (Doc. No. 39 at 2.) Nevertheless, in light of Shannon’s continued health concerns since sentencing, the Court will again strongly recommend to the BOP that, instead of his current designation to FCI Butner Low, Shannon should be housed at the Federal Medical Center in Butner, North Carolina (satellite camp) so that his various medical needs may be addressed.

SO ORDERED.

Dated: April 23, 2021
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation